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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,731	04/11/2001	Raymond Vincent Powers	3025/1G659-US2	3451
7590 07/01/2005				
DARBY & DARBY P.C. 805 Third Avenue New York, NY 10022		EXAMINER RUHL, DENNIS WILLIAM		
		ART UNIT 3629 PAPER NUMBER		

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,731

Applicant(s)

POWERS, RAYMOND VINCENT

Examiner

Dennis Ruhl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/18/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Applicant's response of 3/18/05 has been entered. Currently claims 1-20 are pending. The examiner will address applicant's remarks at the end of this office action.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over "iCarumba" in view of Ward's Dealer Business article (11/1999)

For claims 1,5,9,13, iCarumba discloses a web page that allows a customer to schedule a service appointment online for a vehicle. The establishing a session with a host server is done when a customer logs onto the iCarumba web page via the Internet (a network). Page 24 of 30 shows the act of providing access to an appointment book associated with a service center. The calendar format of the appointment book shows what days are available for appointments and which are not. The customer can schedule an appointment as claimed on a day that an appointment is available. Also disclosed is that some service centers offer additional services such as a loaner car. See page 5/30 for example. A customer can make sure that the service center they are taking their vehicle to will offer the loaner car. Not disclosed is that the customer is prompted for a loaner car, the request is pre-approved, and that a lock box is used as claimed for retrieving and receiving vehicles keys.

Concerning the prompting of the customer for a loaner car, because a customer can specifically indicate in a service center search that a loaner car is desired in a service center, it would have been obvious to one of ordinary skill in the art at the time the invention was made to prompt the customer on whether or not they want a loaner car, and pre-approve the loaner car, so that at the same time they are making the service appointment in the appointment book they can also arrange for the loaner car. Because the customer may indicate that they need a loaner car, it would have been obvious to one of ordinary skill in the art to pre-approve the loaner car request so that the customer knows for sure if they can get a loaner car on a given day. If a customer needs a loaner car it makes no sense at all to schedule a service appointment without knowing if you actually will be able to get a loaner car. One would want to know if a loaner car is available before you schedule the service appointment, so that the customer can make sure that on the day of the appointment, a loaner car will be available for their use; otherwise, one can schedule the appointment on another day when a loaner car will be available.

With respect to the giving out of a code for a lock box that contains the loaner car keys, Wards discloses that Spectrum Composites manufactures a Service Express 24 key system (a lock box) that allows a car dealership service department to be more convenient for customers when dropping off and picking up their vehicles. The system works by accepting and dispensing keys through the use of an ATM style machine located in a wall of the dealership building. The system allows for the accepting and delivering of keys at any time so that a customer can drop off and pick up keys from the

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machine outside of the hours the dealership is open. Specifically disclosed is that the customer when picking up a vehicle is given a code that is to be entered into the machine and the keys for the customer's vehicle are then dispensed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a service center of iCarumba with the Service Express 24 key system to accept and dispense vehicle keys to the customer. In response to a customer indicating that a loaner car is needed when making the service appointment they would be given a code that is used to access the loaner car keys from the key system at the service center. When a customer picks up the car after hours, the lock box would dispense the keys as claimed.

For claims 2-4,10-12, the examiner considers it obvious to one of ordinary skill in the art at the time the invention was made that under certain conditions a loaner car will be offered free of charge to the customer as a way to foster customer loyalty. When a newly purchased vehicle (that is under a warranty period) is having some kind of warranty work performed, it is obvious to provide a free loaner car to the customer to make up for the fact that the new car is in the shop for repairs when it should not be because it is a new vehicle. With respect to the conditions that must be present for the free loaner car to be given out, one of ordinary skill in the art would have found it obvious to provide a free loaner car to the customers who spend a lot of money at the dealership by purchasing the new vehicle. When a customer spends a lot of money on a new vehicle at a dealership and has a problem that is covered under warranty (a

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problem that should not be happening so soon in the vehicle's history) it is considered obvious to give them a free loaner car to foster good customer relations.

For claims 6,14, the Ward's article discloses that the customer must pay for the vehicle prior to the keys being released. This is customary as the dealership will not give you your car unless you pay for the repairs (services that have been rendered). Once payment is received the customer can pick up the keys at any time from the lock box.

For claims 7,15, not disclosed is that the code is sent to the customer via email. Because iCarumba is an internet application and in view of the fact that email is a very obvious form of communication, it would have been obvious to one of ordinary skill in the art at the time the invention was made to send the code via email to the customer. The code must somehow be given to the customer and in view of this fact, one of ordinary skill in the art would have found the use of email obvious.

For claims 8,16, not disclosed is the obtaining of the claimed information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to obtain information about a person's drivers license or insurance in the pre-approval process for the loaner car so that you can ensure that the person requesting the car is a valid driver. One of ordinary skill in the art would not loan out a car to an individual without at least verifying that they have a license and/or verifying their insurance coverage.

For claim 17, iCarumba discloses that a customer can search for a service center by indicating how many miles from an entered zip code they would like to see results

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for. See page 5/30 as an example, Geographic information in the form of a zip code is provided and service centers results in the specified area are provided to the customer.

For claim 18, iCarumba discloses that the customer can answer questions about their vehicle problem so that the system can provide a diagnosis. See page 20-23/30 for example. The result of the diagnosis can then be sent to the service center chosen to do the service as claimed.

For claim 19, not disclosed is that the software has more than one permission level. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have more than one permission level like an owner/management level and a customer level. As an example, it would have been obvious to allow only authorized persons access to the software so that changes can be made to pricing data so that a customer cannot set the prices for the services they are using. It is considered obvious that the customer would not have the same access as management would.

For claim 20, the electronic appointment book is fully capable of being used by the service center internally. An employee of the service center can use the appointment book to schedule service just like a customer on the outside can. The prior art is fully capable of the claimed functional language.

3. Applicant's comments filed 3/18/05 have been fully considered but they are not persuasive. With respect to the inventor's perspective comments, comments made by applicant's counsel of what the applicant says are noted but are of little value as they don't really address the claimed invention and don't point out what is novel over

iCarumba. While the examiner has read the submitted comments concerning the amended claims, applicant has not really made any kind of statements about what the claimed elements are that are not found in the iCarumba reference. Applicant has stated what the claims recite, and that they are a departure from prior approaches but this is more of an allegation of patentability than specifically pointing out what is novel in the claims and why the prior art would not satisfy the claims.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DENNIS RUHL
PRIMARY EXAMINER